# EXHIBIT 2

## Case3:10-cv-05030-RS Document113-3 Filed03/09/12 Page2 of 3

### Warshafsky, Jeffrey H.

From: O'Rourke, Brendan J.

Sent: Thursday, December 22, 2011 10:23 AM

To: 'Brody, Peter M.'; Rachlin, Paul I.

Cc: DiBella, Dolores F.; Loughery, Victoria L.; 'Roberts, Alexandra'; 'Goetz, Mariel'; 'Michael J. Kump'; 'Laura D. Castner'; Neuman, Kristin

H.

Subject: RE: RE: Scheduling

Peter

(because our call today concerns scheduling, it occurs to me that we ought to at least invite Michael and Laura to join in the event they may want to weigh in on scheduling from their client's perspective, so I have copied them here). If they can't make it due to the last minute nature of the invite, I will assume you will bring them up to speed on anything we arrange.

In advance of our call today, we would appreciate knowing the status of your document production. In our earlier discussions you had estimated that you would be serving approximately 110,000 documents. To date we have received approximately 70,000. Will there be any further productions, and, if so, please let us know approximately how many and by when? Thanks.

For our part, we are nearing the end of our production efforts and anticipate production of approximately 8000 more documents and are shooting to get them to you by the end of next week.

We look forward to our call today at 12:30pm.

Best regards, Brendan

Brendan J. O'Rourke

Partner

Proskauer

Eleven Times Square New York, NY 10036-8299 d 212.969.-3120 f 212.969.2900 borourke@proskauer.com

From: Brody, Peter M. [mailto:Peter.Brody@ropesgray.com]

**Sent:** Tuesday, December 20, 2011 5:26 PM **To:** O'Rourke, Brendan J.; Rachlin, Paul I.

Cc: DiBella, Dolores F.; Loughery, Victoria L.; Roberts, Alexandra; Goetz, Mariel

Subject: RE: RE: Scheduling

Ok. We can use my conference line: 1-888-352-5988, passcode # 2025084612. Talk to you then.

Peter M. Brody ROPES & GRAY LLP

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From: O'Rourke, Brendan J. [mailto:BOrourke@proskauer.com]

Sent: Tuesday, December 20, 2011 3:55 PM

To: Brody, Peter M.; Rachlin, Paul I.

Cc: DiBella, Dolores F.; Loughery, Victoria L.; Roberts, Alexandra; Goetz, Mariel

Subject: RE:Scheduling

I can't do it then but could do 12:30pm

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#### Brendan J. O'Rourke

Partner

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From: Brody, Peter M. [mailto:Peter.Brody@ropesgray.com]

**Sent:** Tuesday, December 20, 2011 3:31 PM **To:** O'Rourke, Brendan J.; Rachlin, Paul I.

Cc: DiBella, Dolores F.; Loughery, Victoria L.; Roberts, Alexandra; Goetz, Mariel

Subject: RE: Scheduling

Brendan -

Thursday's pushing it, but if that's the soonest you can do it, so be it. How does 10:30 work?

Regards, Peter

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